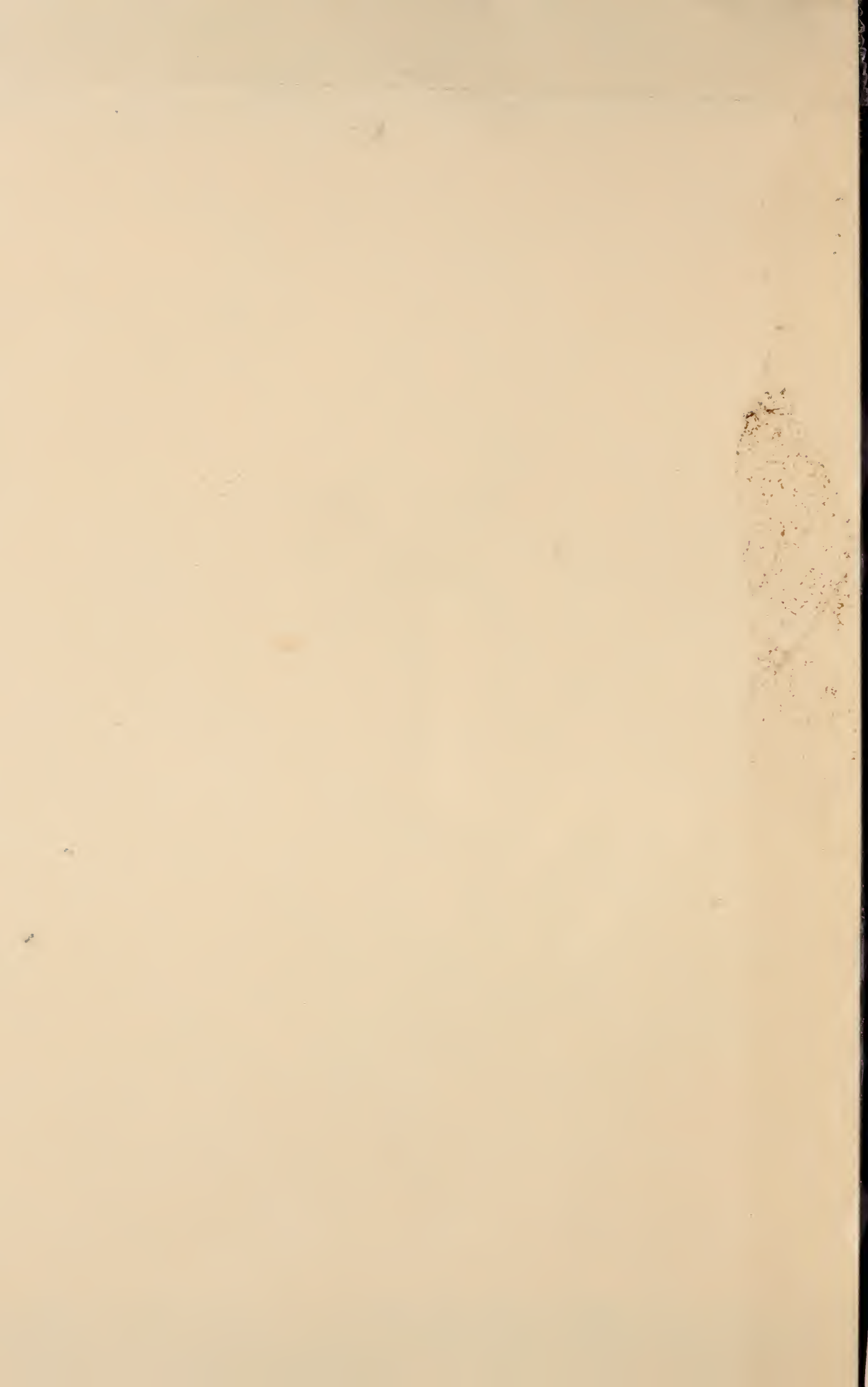
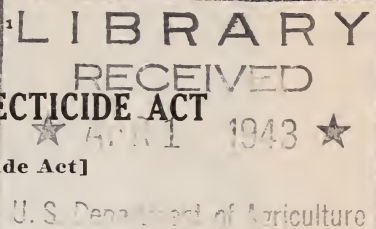


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United States Department of Agriculture

FOOD DISTRIBUTION ADMINISTRATION¹

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]
1826-1840

[Approved by the Assistant Secretary of Agriculture, Washington, D. C., January 7, 1943]

1826. Misbranding of "Lur-Em Moth Trap." U. S. v. 390 Packages of "Lur-Em Moth Trap." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2220. I. D. No. 3512.)

An examination of a sample of "Lur-Em Moth Trap" showed the product to consist of a piece of woolen material impregnated with sodium fluoride and enclosed in a piece of folded cardboard.

On June 15, 1941, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 390 packages, more or less, of "Lur-Em Moth Trap," at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about March 24, 1941, by Peride Products, Inc., from Brooklyn, N. Y., and charging that the product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since the product would not lure and would not destroy clothes moths:

(Label) "Lur-em Moth Trap * * * Lur-em Directions:—Place 3 traps in each closet where darkest, 1 at base, 1 at middle and 1 on top shelf, also in pianos, trunks, under slip covers or wherever moths may frequent. Once traps are placed **DO NOT DISTURB** for at least 2 months in warm room and 3 months where cool, then destroy and replace with new **LUR-EM MOTH TRAPS * * *** For best results clothing should be free of moth life before placing traps. **ALWAYS have LUR-EM MOTH TRAPS PLACED AND READY TO LURE AND DESTROY ANY MOTHS THAT APPEAR.**"

(Small carton) "LUR-em Moth Trap Lures and Destroys LUR-em Moth Trap * * * 'ODORLESS DEATH TO MOTHS' LUR-em Moth Traps contain a secret Lure * * * ODORLESS to us, but attracts moths from clothing to lay and HIDE their eggs in the traps which are treated to KILL the newly hatched larvae at their first attempt to eat. With LUR-ems you actually SEE RESULTS. They KEEP FULL STRENGTH for 3 months IN USE. We recommend replacing Lur-ems every 3 months continuously as moths ARE ACTIVE ALL YEAR ROUND. Place traps (use thumb tacks) in backs of closets and behind upholstered furniture or wherever moths are apt to frequent, as drawers, pianos etc. Directions on 3 traps in package. Used In Homes—Stores—Hotels * * * LURES AND DESTROYS."

(Printed leaflet) "Be sure LUR-ems are placed in darkest areas. Do not DISTURB for 3 months. Lur-ems keep full strength for three months IN USE and should be replaced regularly throughout the year. * * *"

(Large carton) "ODORLESS DEATH TO MOTHS LUR-em Moth traps contain a secret LURE * * * ODORLESS to us, but attracts moths from clothing to lay and HIDE their eggs in the traps which are treated to KILL the newly hatched larvae at their first attempt to eat. With LUR-ems you actually SEE RESULTS. THEY KEEP FULL STRENGTH for 3 months IN USE. We recommend replacing LUR-ems every 3 months continuously as moths ARE ACTIVE ALL YEAR ROUND. Place traps (use thumb tacks) in backs of closets and behind upholstered furniture or wherever moths are apt to frequent, as drawers, pianos, etc. Directions on 3 traps in package * * * LUR-em

¹ The Food Distribution Administration absorbed the Agricultural Marketing Administration by executive order of December 5, 1942. This publication is a continuation of the series that was formerly issued by the AMA.

Moth Trap * * * LURES AND DESTROYS * * * LUR-em Moth Traps SAVE your CLOTHES YEAR 'round Place in Closets—Trunks Pianos Upholstered Furniture Under Slip Covers Or Wherever Moths May Be LUR-em Moth Traps Lure And Destroy Moth Life * * * Tell your customers: LUR-ems MUST BE GOOD LEADING STORES USE THEM TO PROTECT their own merchandise. LUR-ems ATTRACT MOTHS from CLOTHING, etc., (like flies to fly paper) and KILL the DESTRUCTIVE LARVAE. * * * MOTHS ARE ACTIVE ALL YEAR in all places (bathing suits, etc. damaged in winter months prove this.) LUR-em GIVE COMPLETE YEAR ROUND PROTECTION in closets, chests, furniture, drawers, pianos, etc. (doors may be open or closed) LUR-ems KEEP FULL STRENGTH for 3 months IN USE. For best results replace used traps every 3 months. Spring and Fall treatments ARE NOT ENOUGH, moths breed in between such infrequent attempts at so called mothproofing. * * * Your customers will be glad to learn of LUR-ems. Sell a box of 3 traps for every closet * * * Be among the first to GET THIS NEW BUSINESS while at the same time GIVING YOUR CUSTOMERS REAL PRACTICAL PROTECTION WHENEVER or WHEREVER MOTHS APPEAR. Remember with LUR-ems YOU SEE RESULTS. They cost less and last longer.

(Small leaflet) "LUR-em Moth Traps The Modern Odorless Method For Destroying Clothes Moths Used In Homes Hotels Stores Institutions * * * Odorless LUR-em Moth Traps THE SECRET OF LUR-em is a small wool-lined trap, treated with a FOOD-LURE which although ODORLESS to us, attracts clothes moths away from clothing to this apparently SAFE place in which to SQUEEZE and HIDE their eggs. A destroying element in the trap KILLS whole families of unsuspecting, newly hatched larvae at their inception. * * * The LURE used in the traps is a concentrated food which moths prefer more than anything else. The traps are scientifically designed to provide the combination of requirements moths SEEK for their young. LUR-em has been put to many rigorous tests and found to give complete protection. It is now the sole moth eradicator depended upon by many leading Department, Clothing Stores and Hotels that formerly spent hundreds of dollars yearly "trying" to protect their own expensive stocks. Unlike other moth preparations LUR-ems DO NOT evaporate or spoil. They retain FULL STRENGTH for an entire THREE MONTHS PERIOD OF USE. Closet doors may be left open or closed. REMEMBER—Moths are always active—LUR-em, and be SAFE. START TODAY—YOU'LL LIKE LUR-ems—EVEN MOTHS LIKE LUR-ems. WHERE TO USE LUR-ems Homes, Hotels and Institutions: Place 3 traps in each closet, 1 at base, 1 at middle and 1 on shelf, all where darkest, behind upholstered furniture (1 to a chair, 2 on a sofa) at base and shelving in stock and blanket storage rooms, in rear top corners of drawers, in pianos, or wherever moths may frequent. Department Stores: Place traps about 6 to 8 feet apart along clothing racks and in stock rooms, in rear top corners of drawers and bins containing woolsens. Liberal use throughout furniture and rug departments will insure against moth damage. (The ODORLESS feature of LUR-ems is a great asset to stores whose customers are apt to associate "mothproof" odors with last years merchandise.) * * *

On June 25, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed by the United States Marshal.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1827. Misbranding of "McKesson's Dry Insecticide." U. S. v. William J. Wardall, Trustee of the Estate of McKesson & Robbins, Inc. Plea of guilty. Fine, \$1.00 and costs. (I. & F. No. 2227. I. D. No. 2042.)

The United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture filed an information in the district court against William Wardall, trustee of the Estate of McKesson & Robbins, Inc., a corporation, having a place of business at Sioux City, Iowa. It was alleged that on or about March 6, 1941, the defendant delivered for shipment and shipped in interstate commerce from Sioux City, Iowa, to Beresford, S. D., a quantity of an article known as "McKesson's Dry Insecticide," which article was then and there misbranded within the meaning of the Insecticide Act of 1910.

It was alleged that the article was misbranded in that it consisted, partially, of inert substances, substances other than naphthalene, sulfur, creosote oil, and nicotine, and the name and percentage amount of each of the inert substances present therein were not stated plainly and correctly, nor at all, on the label affixed to each of the packages containing the articles; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the

article having insecticidal properties, and the total percentage of the inert substances, stated plainly and correctly, or at all, on the label affixed to the packages containing the article.

On May 25, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$1.00 and costs.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1828. Misbranding of "Killant." U. S. v. Bryant Nowlin, trading as the Killant Chemical Company. Plea of guilty entered to counts two and three. Fine \$25. (I. & F. No. 2228. Sample No. 61067-D.)

Analysis of samples of the product shows it to be a water solution of sodium arsenate and sugar.

On October 28, 1941, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Bryant Nowlin, trading as the Killant Chemical Company, alleging shipment in interstate commerce by said defendant on or about September 19, 1939, from Ft. Worth, Tex., to New Orleans, La., of a quantity of an article known as "Killant" which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in count two of the information that the article was misbranded in that it contained arsenic and the total amount of arsenic present therein, expressed as percentum of metallic arsenic, was not stated on the label, and further, that the article contained arsenic in water-soluble form and the total amount thereof (expressed as percentum of metallic arsenic), was not stated on the label.

It was alleged in count three that the article was misbranded further, in that it consisted partially of inert substances, substances other than sodium arsenate, and the name and percentage amount of the inert substances were not stated plainly and correctly, or at all, on the label affixed to the bottles containing the article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

On January 7, 1942, a plea of guilty was entered to the charges made in counts two and three, and count one was dismissed. A fine of \$25 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1829. Adulteration and misbranding of "All-Nu Pet Shampoo." U. S. v. All-Nu Products Company. Plea of guilty. Fine \$100. (I. & F. No. 2232. I. D. No. 1777.)

The wording on the label affixed to the containers of this product indicated that it was intended for use as an insecticide to rid dogs of fleas and lice.

The United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed an information against the All-Nu Products Company, a corporation, of Camden, N. J., alleging delivery for shipment and shipment in interstate commerce on or about February 19, 1941, from Savannah, Ga., to Tampa, Fla., of a quantity of "All-Nu Pet Shampoo," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was charged that the article was adulterated, in that the statement, "Water, inert 65%," borne on the label affixed to each of the bottles containing the article, purported and represented that its standard and quality were such that it contained water in the proportion of not more than 65 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained water in a proportion greater than 65 percent.

The product was alleged to be misbranded in that the statement "Water, Inert 65%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained inert material, namely, water, in a proportion much greater than 65 per centum.

On August 25, 1942, a demurrer to the information having been overruled by the court, defendant entered a plea of guilty. The court imposed a fine of \$50 on each of 2 counts.

GROVER B. HILL,
Assistant Secretary of Agriculture.

- 1830. Adulteration and misbranding of "Koncen Coal Tar Disinfectant." U. S. v. Joseph Fuld and Melvin Fuld, co-partners trading as Fuld Brothers. Plea of guilty entered on count two. Counts one and three dismissed. Fine \$10. (I. & F. No. 2233. I. D. Nos. 2174, 2175.)**

On October 17, 1941, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Fuld and Melvin Fuld, partners trading as Fuld Brothers, of Baltimore, Md., alleging in count two the delivery for shipment and shipment in interstate commerce, on or about January 17, 1941, from Baltimore, Md., to the State of Georgia, of a quantity of "Koncen Coal Tar Disinfectant" which was an adulterated fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated in that its strength and purity fell below the professed standard and purity under which it was sold, namely, (paper label on drum) "Contains not over 10% Inert Matter (water)" and (stenciled on drum) "Inerts not over 10% Water," whereas the product contained inert matter (water) in a proportion greater than 10 percent.

On December 19, 1941, a plea of guilty was entered to the charges contained in count two. Counts one and three were dismissed. A fine of \$10 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

- 1831. Adulteration and misbranding of "Compound Stock Chloroform." U. S. v. First Texas Chemical Mfg. Co. Plea of nolo contendere. Fine \$150. (I. & F. No. 2238. I. D. No. 1877.)**

This product was sold as "Compound Stock Chloroform" followed by the statement: "Differs from U. S. P. Chloroform in that it is a compound made from a commercial grade (not U. S. P.) of Chloroform intended only as an insecticide," implying thereby that the product consisted of a commercial grade of chloroform, whereas it consisted of approximately 50 percent chloroform and 50 percent benzol.

On December 15, 1941, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the First Texas Chemical Mfg. Co., a corporation, alleging delivery for shipment and shipment in interstate commerce on or about May 20, 1941, from Dallas, Tex., to Texarkana, Ark., of a quantity of "Compound Stock Chloroform," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that the statements, "Compound Stock Chloroform Differs from U. S. P. Chloroform in that it is a compound made from a commercial grade (not U. S. P.) of Chloroform," borne on the label affixed to each of the cans containing the article, purported and represented that it consisted of chloroform, whereas it did not consist of chloroform but another substance, benzene, was substituted, in part, for the article.

The product was alleged to be misbranded in that the statements quoted above, borne on the label affixed to each of the cans containing the article, were false and misleading, and by reason of the statements the article was labeled and branded so as to deceive and mislead the purchaser, because the statements purported and represented that the article consisted solely of chloroform, whereas the article consisted of chloroform and benzene.

On February 17, 1942, a plea of nolo contendere was entered and accepted by the court. A fine of \$150 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

- 1832. Adulteration and misbranding of "Willson's Louse Powder." U. S. v. Willson Monarch Laboratories, Inc. Plea of guilty. Fine \$50 on each of three counts. (I. & F. No. 2237. Sample I. D. No. 2034.)**

The product contained less sodium fluoride and paradichlorobenzene and more inert ingredients than stated on the label and bore unwarranted labeling claims in regard to its effectiveness against germs, lice, fleas, ants, cockroaches, and verminous insects.

On November 24, 1942, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Willson Monarch Laboratories, Inc., a corporation, alleging that the defendant delivered for shipment and shipped in interstate commerce on or about March 10, 1941, from Edgerton, Wis., into the State of Illinois a quantity of an article known as "Willson's Louse Powder"

which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the product was adulterated, in that the statement, "Active Ingredients Sodium Fluoride 50% * * * Paradichlorbenzene 1%, Inert Ingredients 44%," borne on the label affixed to each of the cans containing the article, purported and represented that its standard and quality were such that it contained sodium fluoride in a proportion not less than 50 percent, paradichlorbenzene in a proportion of not less than 1 percent, and inert ingredients in a proportion of not more than 44 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that the article contained sodium fluoride in a proportion less than 50 percent, paradichlorbenzene in a proportion less than 1 percent, and inert ingredients in a proportion greater than 44 percent.

It was alleged further that the article was misbranded in that the statement of ingredients, quoted above, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser.

It was also alleged that the product was misbranded in that the following statements:

"For Destroying and Ridding Poultry and Live Stock of Lice and other Verminous Germs and Insects * * * Willson's Louse Powder * * * Louse Powder Directions For Poultry Lice—Hold chicken by the feet, head down; this will open the feathers in good shape to receive the powder. After dusting the fowls with the powder, work it in their feathers and skin thoroughly. The Powder should be used liberally around the vent, as there the lice are most numerous. Also dust some powder throughout the poultry house, in the dust baths, nests, roosts and on the floor. * * * For Lice on Horses, Cattle and Hogs—Dust the animals thoroughly with the powder, rubbing the hair the wrong way as you apply it. Then use both hands and rub it thoroughly into their skin. Follow same instructions for use on calves and colts. Fleas on Dogs and Cats will quickly disappear if Willson's Louse Powder is sprinkled thoroughly through the hair and well rubbed into the skin. Scatter powder in the dog house and on the ground around it. Ants—Sprinkle the powder in runs and places which they inhabit. Cockroaches—Sprinkle the powder in runways and hiding places * * *,"

borne on the label affixed to each of the cans containing the article, were false and misleading and by reason of the statements the article was labeled and branded so as to deceive and mislead the purchaser in that the statements purported and represented that the article, when used as directed, would destroy germs and control lice, fleas, ants, cockroaches, and all verminous insects, whereas it would not.

The product was alleged to be misbranded further in that the statement, "The lice * * * are found upon the body of your poultry during the night and leave and secrete themselves in cracks and crevices during the day," borne on the label affixed to each of the cans containing the article, was false and misleading and by reason of the statement the article was labeled and branded so as to deceive and mislead the purchaser, since the statement purported and represented that chicken lice leave the poultry and secrete themselves in cracks and crevices during the day, whereas in fact they do not.

On March 9, 1942, a plea of guilty was entered. A fine of \$50 on each of three counts was imposed, "payment of fine on one count to satisfy payment on all."

GROVER B. HILL,

Assistant Secretary of Agriculture.

1833. Adulteration and misbranding of "Huber's Wonder Bean Beetle & Garden Pest Destroyer," U. S. v. Huber Seed Company. Plea of guilty. Fine \$25 on each of four counts and costs. (I. & F. No. 2248. I. D. Nos. 791 and 3508.)

The product did not contain 2.25 percent of derris resins as claimed and in fact contained only 1.80 percent thereof and it was not an effective control for all garden pests as claimed.

On May 11, 1942, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed an information against the Huber Seed Company, a corporation of Louisville, Ky., alleging delivery for shipment and shipment of interstate commerce on or about July 8, 1940, and June 13, 1941, from Louisville, Ky., to the State of Indiana of a quantity of "Huber's Wonder Bean Beetle & Garden Pest De-

stroyer," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged that the article was adulterated in that the statement, "Derris Resins Including $\frac{1}{4}\%$ Rotenone * * * 2.25%," borne on the label affixed to each of the packages containing the article, purported and represented that its standard and quality were such that it contained derris resins in the proportion of not less than 2.25 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that in truth and in fact the article contained derris resins in a proportion less than 2.25 percent.

The product was alleged to be misbranded in that the statement borne on the label affixed to the packages containing the article, quoted above, was false and misleading and by reason of the statement the article was labeled and branded so as to deceive and mislead the purchaser.

The product was alleged to be misbranded further in that the statements, "Huber's Wonder * * * Garden Pest Destroyer * * * To be Used Dry And Applied With A Powder Duster," borne on the label affixed to each of the packages containing the article, were false and misleading and by reason of the statements the article was labeled and branded so as to deceive and mislead the purchaser, since, when used as directed, it would not destroy all garden pests.

On October 14, 1942, the defendant entered a plea of guilty. A fine of \$25 on each of four counts, plus \$10 costs, was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1834. Misbranding of "Keene's Chigger Lotion." U. S. v. First Texas Chemical Mfg. Co. Plea of nolo contendere. Fine \$100. (I. & F. No. 2249. I. D. No. 1875.)

An analysis of this product showed that it contained 88.2 percent of water. On December 15, 1941, the United States attorney for the Northern District of Texas acting upon a report by the Secretary of Agriculture filed in the district court an information charging the defendant, First Texas Chemical Mfg. Co., a corporation, with having delivered for shipment and shipped in interstate commerce on or about July 3, 1940, from Dallas, Tex., to Texarkana, Ark., a quantity of an article known as "Keene's Chigger Lotion," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was charged that the article consisted, partially, of an inert substance (water) and the name and percentage amount of the inert substance were not stated plainly and correctly, or at all, on the label that was affixed to each of the bottles containing the article nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly, or at all, on the label.

On February 17, 1942, a plea of nolo contendere was entered and accepted by the court. A fine of \$100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1835. Misbranding of "Kennel Health Specially-Processed Red Cedar." U. S. v. Tom O. Finney. Plea of nolo contendere. Fine \$10. (I. & F. No. 2251. I. D. No. 2951.)

The product consisted entirely of inert ingredients as a repellent of fleas and the net weight of the contents of the bags was less than stated on the label.

On January 15, 1942, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Tom O. Finney, Shelbyville, Tenn., alleging shipment in interstate commerce on or about April 29, 1941, from Shelbyville, Tenn., into the State of Alabama of a quantity of an article known as "Kennel Health Specially-Processed Red Cedar" which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Repels Fleas," and "12 lbs. net," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product would not repel fleas and the bags contained a net weight of less than 12 pounds of the article.

The product was alleged to be misbranded further in that it consisted completely of inert substances and the name and percentage amount of the inert

substances were not stated plainly and correctly on the packages containing the article.

On May 18, 1942, the defendant entered a plea of *nolo contendere*. A fine of \$10 in lieu of costs was imposed by the court.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1836. Adulteration and misbranding of "A C C Disinfectant." U. S. v. Atlantic Chemical Company, Inc. Plea of guilty. Fine \$25 on each of two counts. (I. & F. No. 2256. I. D. No. 2647.)

On April 7, 1942, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed an information in the district court, charging the Atlantic Chemical Company, Inc., with the delivery for shipment and shipment in interstate commerce on or about August 5, 1941, of a quantity of an article known as "A C C Disinfectant," from Brooklyn, N. Y., into the State of Pennsylvania.

The article was a fungicide and was alleged to be adulterated within the meaning of the Insecticide Act of 1910, in that the statement, "Contains inert ingredients (water), not over 10%," borne on the label affixed to each of the bottles containing the article, purported and represented that its standard and quality were such that it contained an inert ingredient (water) in the proportion of not more than 10 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, because the article contained an inert ingredient (water), in a proportion greater than 10 percent.

The same facts were alleged as a basis for a charge of misbranding, in that the statement on the label, quoted above, was false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser.

On April 28, 1942, the defendant withdrew its prior plea of not guilty and entered a plea of guilty. A fine of \$25 on each of two counts was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1837. Misbranding of "Barfoot Fungicide." U. S. v. Jerry A. Barfoot, trading as J. A. Barfoot & Company. Plea of *nolo contendere* as to count one. Fine \$100. (I. & F. No. 2263. Sample No. 83577-D, I. D. Nos. 810, 1104.)

The labeling made unwarranted representations regarding the effectiveness of the product against powdery mildew on grapes and roses and leaf curl on peaches and nectarines, and also as a dormant treatment for leaf curl on trees and shrubbery.

The United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed an information in the district court against Jerry A. Barfoot, trading as J. A. Barfoot and Company, alleging in count one interstate shipment by him on or about January 30, 1940, from Los Angeles, Calif., to Portland, Oreg., of a quantity of an article known as "Barfoot Fungicide," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that the statements borne on the label affixed to the bottles containing the article, were false and misleading and deceived and misled the purchaser, because they purported and represented that the article, when used as directed, was an effective, efficient, and economical fungicide and an effective aid for the control of certain plant diseases specified in the statement, "For Powdery Mildew on Roses. For Powdery Mildew on Grapes. For Leaf Curl on Peaches and Nectarines. As a Dormant Spray on Trees and Shrubs for the control of Leaf Curl," whereas, the article, when used as directed, was not an effective, efficient, and economical fungicide, and was not an effective aid in the control of the plant diseases specified on the label.

On October 23, 1942, the defendant withdrew a plea of not guilty and entered a plea of *nolo contendere* as to the charges made in count one. Counts two and three of the information were dismissed. A fine of \$100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1838. Adulteration and misbranding of "33 Bleach Disinfectant Cleanser." U. S. v. 75 cases, more or less, of "33 Bleach Disinfectant Cleanser." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2270. I. D. No. 3477.)

This product contained a smaller proportion of calcium hypochlorite and a larger proportion of inert ingredients than declared on the label.

On April 25, 1942, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases, more or less, of "33 Bleach Disinfectant Cleanser," at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 7, 1941, by the Beacon Chemical Company, from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Active Ingredients Sodium Hypochlorite 5.25% By Weight Inert Ingredients 94.75%," whereas it contained less than 5.25 percent of calcium hypochlorite, and more than 94.75 percent of inert ingredients.

The article was alleged to be misbranded in that the statements quoted above, borne on the label affixed to the bottles containing the article, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser.

On May 27, 1942, no claimant having appeared, a judgment of condemnation and forfeiture was entered by the court, and the product was ordered destroyed by the United States Marshal.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1839. Misbranding of "Standard Floor Sham-Poo." U. S. v. Two 15-gallon drums, more or less, of "Standard Floor Sham-Poo." Default decree of condemnation, and forfeiture was entered and the product was released to St. Elizabeths Hospital. (I. & F. No. 2274. I. D. No. 3259.)

Examination of the article showed that it consisted of woody material impregnated with fatty oil, mineral oil, coloring matter, and a very small amount of phenolic bodies, but that it was not a disinfectant and would not disinfect floors.

On June 10, 1942, the United States attorney for the District of Columbia, acting on a report of the Secretary of Agriculture, filed a libel in the district court praying seizure and condemnation of two 15-gallon drums of "Standard Floor Sham-Poo" that The Standard Brush & Broom Co., Inc., had shipped in interstate commerce on or about February 16, 1942, from Portland, Ind., to the District of Columbia.

It was alleged that the article was a fungicide and was misbranded within the meaning of the Insecticide Act of 1910, in that the statements, "Standard Floor Sham-Poo a dry Cleaning Material Cleans, Polishes and Disinfects in One Operation," borne on the label affixed to the drums containing the article, were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser because the statements purported and represented that the article was a disinfectant, whereas it was not a disinfectant and would not disinfect floors.

The product was alleged to be misbranded further in that it consisted entirely of inert ingredients or substances which do not prevent, destroy, repel, or mitigate fungi, and the label did not bear the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated thereon.

On June 26, 1942, no claimant having appeared, a judgment of condemnation and forfeiture was entered and the article was, by order, released to St. Elizabeths Hospital for its use only, and not for sale.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1840. Adulteration and misbranding of "Pine Disinfectant." U. S. v. The Mabex Company. Plea of nolo contendere. Fine \$100. (I. & F. No. 2277. I. D. No. 4643.)

Analysis of the product showed that it consisted of water, soap, and pine wood oil of the nature of wood naphtha and that it possessed a phenol coefficient of 0.5.

On August 12, 1942, the United States attorney for the Eastern District of Pennsylvania, acting on a request of the Secretary of Agriculture, filed in the

district court an information against The Mabex Company, a corporation, of Philadelphia, Pa., alleging shipment in interstate commerce, on or about December 29, 1941, from Philadelphia, Pa., to the State of Florida, of a quantity of "Pine Disinfectant," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statements, "Active Ingredients Pine Oil 60% Soap 10%, Inert Matter 30%," borne on the label affixed to the bottles containing the article, were false, in that other pine wood oils were substituted for pine oil.

The product was alleged to be misbranded in that the statements borne on the label quoted above, were false and misleading to the purchaser since the product was represented as containing pine oil in a proportion of not less than 60 percent and soap in a proportion of not less than 10 percent, but in fact consisted of soap in a proportion less than 10 percent and did not contain pine oil but contained lower boiling pine wood oils. And it was alleged that the product was misbranded further, in that the statements, "Pine Disinfectant For general cleaning purposes, toilets, refuse cans, use one part to twenty parts warm water. Co-efficient 3," borne on the label that was affixed to the bottles which contained the product, purported and represented that the product has a phenol coefficient of 3 and was an effective disinfectant when added to 20 parts of water, but in fact the article had a coefficient of less than 3 and was not a disinfectant when added to 20 parts of water.

On September 29, 1942, a plea of nolo contendere was entered. Verdict of guilty. Fine of \$100 was imposed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

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